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HOUSE BILL 1604

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Schual-Berke, Ballasiotes, O'Brien, Skinner, Campbell, Keiser, Ogden, Cody, Kenney, Kagi, Lovick, Edmonds, Darneille and Santos

Read first time 01/30/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to hospital safety; and amending RCW 9.41.300.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 9.41.300 and 1994 sp.s. c 7 s 429 are each amended to  
4 read as follows:

5 (1) It is unlawful for any person to enter the following places  
6 when he or she knowingly possesses or knowingly has under his or  
7 her control a weapon:

8 (a) The restricted access areas of a jail, or of a law  
9 enforcement facility, or any place used for the confinement of a  
10 person (i) arrested for, charged with, or convicted of an offense,  
11 (ii) held for extradition or as a material witness, or (iii)  
12 otherwise confined pursuant to an order of a court, except an  
13 order under chapter 13.32A or 13.34 RCW. Restricted access areas do  
14 not include common areas of egress or ingress open to the general  
15 public;

16 (b) Those areas in any building which are used in connection  
17 with court proceedings, including courtrooms, jury rooms, judge's  
18 chambers, offices and areas used to conduct court business,

1 waiting areas, and corridors adjacent to areas used in connection  
2 with court proceedings. The restricted areas do not include common  
3 areas of ingress and egress to the building that is used in  
4 connection with court proceedings, when it is possible to protect  
5 court areas without restricting ingress and egress to the  
6 building. The restricted areas shall be the minimum necessary to  
7 fulfill the objective of this subsection (1)(b).

8 In addition, the local legislative authority shall provide  
9 either a stationary locked box sufficient in size for pistols and  
10 key to a weapon owner for weapon storage, or shall designate an  
11 official to receive weapons for safekeeping, during the owner's  
12 visit to restricted areas of the building. The locked box or  
13 designated official shall be located within the same building used  
14 in connection with court proceedings. The local legislative  
15 authority shall be liable for any negligence causing damage to or  
16 loss of a weapon either placed in a locked box or left with an  
17 official during the owner's visit to restricted areas of the  
18 building.

19 The local judicial authority shall designate and clearly mark  
20 those areas where weapons are prohibited, and shall post notices  
21 at each entrance to the building of the prohibition against  
22 weapons in the restricted areas;

23 (c) The restricted access areas of a public mental health  
24 facility certified by the department of social and health services  
25 for inpatient hospital care and state institutions for the care of  
26 the mentally ill, excluding those facilities solely for evaluation  
27 and treatment. Restricted access areas do not include common areas  
28 of egress and ingress open to the general public; ~~((or))~~

29 (d) That portion of an establishment classified by the state  
30 liquor control board as off-limits to persons under twenty-one  
31 years of age; or

32 (e) Any building licensed as a hospital pursuant to chapter  
33 70.41 RCW, except in regard to a person in possession of a pistol  
34 who carries a valid concealed pistol license issued pursuant to  
35 RCW 9.41.070. The areas where possession or control of a weapon is  
36 restricted under this subsection (1)(e) do not include exterior  
37 common areas of egress and ingress to the building open to the  
38 general public.

1 (2) Cities, towns, counties, and other municipalities may enact  
2 laws and ordinances:

3 (a) Restricting the discharge of firearms in any portion of  
4 their respective jurisdictions where there is a reasonable  
5 likelihood that humans, domestic animals, or property will be  
6 jeopardized. Such laws and ordinances shall not abridge the right  
7 of the individual guaranteed by Article I, section 24 of the state  
8 Constitution to bear arms in defense of self or others; and

9 (b) Restricting the possession of firearms in any stadium or  
10 convention center, operated by a city, town, county, or other  
11 municipality, except that such restrictions shall not apply to:

12 (i) Any pistol in the possession of a person licensed under RCW  
13 9.41.070 or exempt from the licensing requirement by RCW 9.41.060;  
14 or

15 (ii) Any showing, demonstration, or lecture involving the  
16 exhibition of firearms.

17 (3)(a) Cities, towns, and counties may enact ordinances  
18 restricting the areas in their respective jurisdictions in which  
19 firearms may be sold, but, except as provided in (b) of this  
20 subsection, a business selling firearms may not be treated more  
21 restrictively than other businesses located within the same zone.  
22 An ordinance requiring the cessation of business within a zone  
23 shall not have a shorter grandfather period for businesses selling  
24 firearms than for any other businesses within the zone.

25 (b) Cities, towns, and counties may restrict the location of a  
26 business selling firearms to not less than five hundred feet from  
27 primary or secondary school grounds, if the business has a  
28 storefront, has hours during which it is open for business, and  
29 posts advertisements or signs observable to passersby that  
30 firearms are available for sale. A business selling firearms that  
31 exists as of the date a restriction is enacted under this  
32 subsection (3)(b) shall be grandfathered according to existing  
33 law.

34 (4) Violations of local ordinances adopted under subsection (2)  
35 of this section must have the same penalty as provided for by  
36 state law.

37 (5) The perimeter of the premises of any specific location

1 covered by subsection (1) of this section shall be posted at  
2 reasonable intervals to alert the public as to the existence of  
3 any law restricting the possession of firearms on the premises.

4 (6) Subsection (1) of this section does not apply to:

5 (a) A person engaged in military activities sponsored by the  
6 federal or state governments, while engaged in official duties;

7 (b) Law enforcement personnel; or

8 (c) Security personnel while engaged in official duties.

9 (7) Subsection (1)(a) of this section does not apply to a  
10 person licensed pursuant to RCW 9.41.070 who, upon entering the  
11 place or facility, directly and promptly proceeds to the  
12 administrator of the facility or the administrator's designee and  
13 obtains written permission to possess the firearm while on the  
14 premises or checks his or her firearm. The person may reclaim the  
15 firearms upon leaving but must immediately and directly depart  
16 from the place or facility.

17 (8) Subsection (1)(c) and (e) of this section does not apply to  
18 any administrator or employee of the facility or to any person  
19 who, upon entering the place or facility, directly and promptly  
20 proceeds to the administrator of the facility or the  
21 administrator's designee and obtains written permission to possess  
22 the firearm while on the premises.

23 (9) Subsection (1)(d) of this section does not apply to the  
24 proprietor of the premises or his or her employees while engaged  
25 in their employment.

26 (10) Any person violating subsection (1) of this section is  
27 guilty of a gross misdemeanor.

28 (11) "Weapon" as used in this section means any firearm,  
29 explosive as defined in RCW 70.74.010, or instrument or weapon  
30 listed in RCW 9.41.250.

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